



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/111,731	07/08/1998	YOSHINOBU SHIRAIWA	35.C12836	6151

5514 7590 03/31/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

BRIER, JEFFERY A

ART UNIT PAPER NUMBER

2672

DATE MAILED: 03/31/2003

26

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/111,731

Applicant(s)

SHIRAIWA ET AL.

Examiner

Jeffery A. Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/10/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. The amendment filed on 02/10/2003 has been entered. The specification has been amended by replacing the paragraphs beginning at page 17 line 15, spanning lines 3 to 12 of page 49, and spanning lines 10 to 22 of page 50. Claims 2 and 20 to 23 have been cancelled. Claims 1, 8, 9 and 19 have been amended.
2. The proposed drawing correction filed on 02/10/03 has been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Specification

3. Applicant is requested to insure that the equation on page 19 is correct since in view of the equation on page 20 it would appear that CR of the equation should be CT since the equation on page 15 uses CR and the equation on page 19 is trying to illustrate using color temperature while the equation on page 15 does not use color temperature and there CR defines lighting characteristic matrix. Thus, CR in equation H on page 19 seems inaccurate.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-5, 7-9 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kouzaki, U.S. Patent No. 5,446,476. A detailed analysis of the claims follows.

Claim 1:

Claim 1	Kouzaki, U.S. Patent No. 5,446,476
1. (Five Times Amended) An image processing method for converting data dependent on a first illuminating light into data dependent on a second illuminating light, comprising the steps of:	The image is scanned based upon a first light thus the image data is dependent upon a first illuminating light.
storing conversion data	The scanned image data is then converted into data dependent upon a different light source, column 4 lines 59-65.
for a light source having high color rendering properties and	ROM 92 stores conversion data as well as ROM 101. Column 5 lines 18-29. Column 6 line 53 to column 7 line 4
conversion data for a light source having low color rendering properties;	A few of the light sources are sunlight and fluorescent white which would have high color rendering properties.
	Another light source is fluorescent blue and fluorescent yellow which would have lower color rendering properties than sunlight, thus, they have low color rendering properties.

Art Unit: 2672

generating data indicating a proportion of synthesis of the stored conversion data, corresponding to the second illuminating light;	When the user selects a second illuminating light source on operation panel 60 a proportion of synthesis stored in ROMs 92 and 101 is selected in order for the coefficients (proportion of synthesis) stored in ROMs 92 and 101 to be applied to the scanned image data. Note the equations at column 5 line 34 and column 6 line 60.
generating a first conversion condition from the stored conversion data according to the data indicating the proportion of synthesis;	The claimed first conversion condition corresponds to shading correction section 82, column 5 lines 10 to 50, which according to the type of light selected by the user performs shading correction on the scanned image data in response to shading correction data read from ROM 92.
generating a second conversion condition based on color temperature information of the second illuminating light; and	The claimed second conversion condition corresponds to color correcting section 85, column 6 line 53 to column 7 line 4 and color temperature is included in color correction since at column 4 line 68 to column 5 line 5 the light source is stated as influencing the color temperature of the reproduced scanned image. Thus, each set of coefficients stored in ROM 101 inherently as based at least partially upon the color temperature of each of the different light sources.
converting data dependent on the first illuminating light into data dependent on the second illuminating light using the first conversion condition and the second conversion condition.	The image scanned using the first light source is converted into data dependent upon a second illuminating light, such as sunlight, by using the first conversion condition and the second conversion condition. Also note column 7 lines 62-63.

Art Unit: 2672

Claim 3:

Each of the illuminating light sources have stored coefficients, thus, each has a stored proportion of synthesis.

Claim 4:

When the user selects a second illuminating light source on operation panel 60 a proportion of synthesis stored in ROMs 92 and 101 is selected in order for the coefficients (proportion of synthesis) stored in ROMs 92 and 101 to be applied to the scanned image data through the use of the equations at column 5 line 34 and column 6 line 60.

Claim 5:

This claim is broader than claim 4 and is rejected for the same reasons given for claim 4.

Claim 7:

This claim does not specify which conversion data is matrix data, Kouzaki teaches coefficient data that is matrix data at column 6 lines 60-65.

Claim 8:

The claim is written as an apparatus claim version of claim 1 and it is rejected for the same reasons given for claim 1.

Claim 9:

The claim is written as a computer readable recording medium claim storing the a program for performing the same method of claim 1. This claim is rejected for the

Art Unit: 2672

same reasons given for claim 1 and since at column 9 lines 5-7 Kouzaki teaches performing the image processing method on a host computer.

Claim 19:

The dependent claim of claim 1 does not claim where the preview image is displayed to the user, thus, the print that Kouzaki's system makes allows the user to preview the results of the conversion processes prior to distribution of the print.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kouzaki, U.S. Patent No. 5,446,476 and Appel et al. U.S. Patent No. 5,313,291.

This claim claims the data indicating the proportion of synthesis is generated according to an output from a sensor for measuring light.

Kouzaki fails to teach how the coefficients in the ROMs are generated and then stored in the ROMs.

Appel teaches how to measure the output of a monitor under various lighting conditions, column 6 lines 29-35, and suggests that as the lighting conditions change the measurements should be performed again. Appel teaches how to measure the output of a printer at column 5 lines 27-57. Appel also teaches at column 8 lines 23-42

Art Unit: 2672

how the print is developed by the user selecting which type of light the print should be optimized. Thus, this reference teaches to one of ordinary skill in the art to generate a proportion of synthesis according to an output from a sensor for measuring light.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kouzaki's operation panel 60 to include a light sensor so the system may generate the coefficients rather than use prestored user selected coefficients stored in ROMs 92 and 101 because this will allow the system to generate prints which will be accurately viewed at the system's location.

Response to Arguments

8. Applicant's arguments filed 02/10/203 concerning the 35 USC 112 first paragraph rejection are persuasive in overcoming that rejection.

9. Applicant's remarks filed 02/10/203 concerning the objection to the drawings and the specification have been considered and in view of the amendment to the specification and in view of the proposed drawing changes the objection to the drawings and specification has been overcome.

10. Applicant's arguments filed 02/10/203 concerning the 35 USC 103 rejection have been considered but they are not deemed to be persuasive. Applicants have broadened the claims and after a review of the amended claims and Kouzaki, it is clear Kouzaki teaches the claimed invention for the reasons given above in the detailed analysis of the claims. Applicants specific arguments at pages 10 and 11 are addressed in the detailed analysis of the claims.

Art Unit: 2672

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2672

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
Art Unit 2672